

Message Text

CONFIDENTIAL

PAGE 01 NEW DE 09077 121206Z
ACTION NEA-11

INFO OCT-01 IO-13 ISO-00 SSO-00 CIAE-00 DODE-00
NSAE-00 NSCE-00 ICAE-00 INRE-00 PM-05 H-01 INR-10
L-03 PA-01 SP-02 SS-15 TRSE-00 OMB-01 HA-05 /068 W
-----031298 121209Z /75

O R 121121Z JUN 78
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC NIACT IMMEDIATE 2155
INFO AMCONSUL BOMBAY
AMCONSUL CALCUTTA
AMEMBASSY COLOMBO
AMEMBASSY DACCA
USMISSION GENEVA
AMEMBASSY ISLAMABAD
AMEMBASSY KABUL
AMEMBASSY KATHMANDU
AMCONSUL MADRAS
USMISSION USUN NEW YORK

C O N F I D E N T I A L NEW DELHI 9077

E.O. 11652: GDS
TAGS: SHUM, PORG, IN
SUBJECT: CONSULTATIONS WITH INDIA ON POSSIBLE
RIGHTS INITIATIVES

REF: USUN 2398 (NOTAL)

1. WE AGREE WITH REFTTEL THAT IT WOULD BE USEFUL IF THE OCCA-
SION ARISES DURING PRIME MINISTER DESAI'S VISIT TO REEMPHASIZE
OUR DESIRE FOR EXTENSIVE CONSULTATIONS WITH THE GOI AND WAYS
TO PROMOTE HUMAN RIGHTS IN THE UNITED NATIONS AND TO EXPRESS
OUR APPRECIATION FOR THE INDIAN INITIATIVE ON NATIONAL INSTI-
TUTIONS.

2. REGARDING THE INDIAN POSITION, WE WOULD ADD TO USUN'S
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 NEW DE 09077 121206Z

ANALYSIS THAT A BASIC INDIAN OBJECTION TO THE CREATION OF A
HIGH COMMISSIONER FOR HUMAN RIGHTS IS THAT SUCH A POSITION
CARRIES WITH IT THE IMPLICATION OF POSSIBLE INTERFERENCE IN
THE INTERNAL AFFAIRS OF SOVREIGN NATIONS. AS A PRACTICAL
MATTER, THE GOI BELIEVES THEREFORE THAT SUCH A POSITION WOULD
BE UNACCEPTABLE TO THE MAJORITY OF UN MEMBER-STATES. THEY
HAVE A GOOD IDEA OF WHAT WILL SELL. THE INDIAN VIEW ALSO

CLOSELY REFLECTS THE ATTITUDE OF PRIME MINISTER DESAI WHO TAKES EVERY OPPORTUNITY TO AFFIRM INDIA'S SINCERE COMMITMENT TO HUMAN RIGHTS AND OPPOSITION TO GROSS VIOLATIONS OF HUMAN RIGHTS ANYWHERE IN THE WORLD, BUT WHO ALSO REPEATEDLY REFRAINS FROM COMMENTING UPON REPORTS OF VIOLATIONS IN SPECIFIC COUNTRIES ON THE GROUNDS THAT ANY COMMENT WOULD CONSTITUTE INTERFERENCE. (THE ONLY EXCEPTIONS TO THIS POLICY BY THE JANATA GOVERNMENT HAVE BEEN SOUTHERN AFRICA AND PALESTINIAN ISSUES.) THE JANATA GOVERNMENT IS PARTICULARLY AWARE THAT ANY COMMENTS ON ITS PART ABOUT HUMAN RIGHTS IN NEIGHBORING COUNTRIES WOULD BE SEEN THERE AS A THREAT BY THE REGIONAL BIG POWER, AND IT HAS STOUTLY RESISTED EFFORTS ON THE PART OF ELEMENTS WITHIN THE RULING PARTY TO GET IT TO COMMENT. MOREOVER, IT IS THE FUNCTION OF A POTENTIAL HIGH COMMISSION, NOT THE TITLE, THAT BOTHERS THE INDIANS. THEY HAVE NOT BEEN RECEPTIVE TO SUGGESTIONS THAT THE POSITION MIGHT BE DESIGNATED AN UNDERSECRETARY INSTEAD OF A HIGH COMMISSION.

3. NEVERTHELESS, THE INDIANS ARE CONCERNED ABOUT THE INEFFECTIVENESS OF THE UN IN THE HUMAN RIGHTS FIELD AND IN PARTICULAR FAULT THE SECRETARY-GENERAL FOR SHOWING LITTLE INTEREST IN THE HUMAN RIGHTS ORGANS OF THE UN. THEY WANT TO SEE THE EXISTING MACHINERY STRENGTHENED BUT, IN OUR VIEW, THEY REALLY CONSIDER A MORE EFFECTIVE WAY OF PROMOTING HUMAN RIGHTS INTERNATIONALLY IS THEIR INITIATIVE TO ENCOURAGE THE CREATION OF NATIONAL MACHINERY. THIS INITIATIVE, MEA OFFICIALS BELIEVE, SIDESTEPS
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 NEW DE 09077 121206Z

THE ISSUE OF UN INTERFERENCE IN INTERNAL AFFAIRS AND ADDRESSES ITSELF DIRECTLY TO THE ACTUAL PROBLEM OF ABUSES OF HUMAN RIGHTS BY NATIONAL EXECUTIVES. ACCORDING TO ONE MEA OFFICIAL, AN UNSTATED HOPE OF THE GOI IS THAT THE COMMITMENT TO AND CREATION OF NATIONAL HUMAN RIGHTS MACHINERY BY LARGE NUMBERS OF MEMBER-STATES WOULD EFFECTIVELY BRING PRESSURE TO BEAR ON FLAGRANT VIOLATORS OF HUMAN RIGHTS WHO DID NOT FOLLOW SUIT. THE UN'S PROMOTION OF NATIONAL MACHINERY WOULD ALSO DEPRIVE THESE HOLD-OUT STATES OF THE ARGUMENT OF INTERFERENCE IN THEIR SOVEREIGNTY.

4. SUMMARIZING INDIA'S POSITION, SAMARENDRA KUNDU, THE MINISTER OF STATE FOR EXTERNAL AFFAIRS, TOLD PARLIAMENT IN APRIL THAT THE GOI HAS CONSISTENTLY EXPRESSED ITS OPPOSITION TO CONTINUING PATTERNS OF GROSS VIOLATIONS OF HUMAN RIGHTS IN ALL PARTS OF THE WORLD. "HOWEVER," HE ADDED, "SINCE GOVERNMENT DOES NOT WISH TO INTERFERE IN INTERNAL AFFAIRS OF OTHER COUNTRIES, IT IS OF THE VIEW THAT PERSUASION AND PROMOTION OF AN AWARENESS OF HUMAN RIGHTS AT THE INTERNATIONAL LEVEL CAN BE THE ONLY MEANS WHEREBY THE INTERNATIONAL COMMUNITY CAN ACT IN SUCH CASES." GIVEN THIS EMPHASIS ON A "PROMOTIONAL AND INFORMATIONAL ROLE" FOR THE INTERNATIONAL COMMUNITY, IT MIGHT BE HELPFUL TO SEEK THE INDIAN VIEW ON HOW THIS MIGHT BEST BE

TRANSLATED INTO STRENGTHENING THE HUMAN RIGHTS MACHINERY OF
THE UN ITSELF WITH A VIEW TOWARDS ARRIVING AT A VIA MEDIA
BETWEEN THE GO'S ADVOCACY OF BUILDING "NATIONAL INSTITUTIONS"
AND OUR COMMITMENT TO THE CREATION OF THE OFFICE OF A HIGH
COMMISSIONER.
BLOOD

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 12 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978NEWDE09077
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780244-1144
Format: TEL
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780670/aaaaciah.tel
Line Count: 122
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 64c1568b-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 USUN NEW YORK 2398
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2393842
Secure: OPEN
Status: NATIVE
Subject: CONSULTATIONS WITH INDIA ON POSSIBLE RIGHTS INITIATIVES
TAGS: SHUM, PORG, IN
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/64c1568b-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014